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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/399,385	09/20/99	JOHNSON	J 020050129

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MILLER & MARTIN
1000 VOLUNTEER BUILDING
832 GEORGIA AVENUE
CHATTANOOGA TN 37402-2289

QM02/0816

EXAMINER

NGUYEN, D

ART UNIT	PAPER NUMBER
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3752

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DATE MAILED: 08/16/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/399,385

Applicant(s)

Jeff Johnson

Examiner

Dinh Nguyen

Group Art Unit

3752



☒ Responsive to communication(s) filed on Sep 20, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-26 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-26 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: on page 11, line 3, reference # 88. Correction is required.

Specification

2. The disclosure is objected to because of the following informalities: on page 8, line 16, "the sprayer 20" should read --the sprayer 30--. On page 9, line 4, "container 20, 80" should read --container 20, 90--.

Appropriate correction is required.

Claim Objections

3. Claim 6 is objected to because of the following informalities: the instant claim being depended from itself. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 4, 6-8, 10-16 and 22 rejected under 35 U.S.C. 102(b) as being anticipated by Vogel et al.

With respect to claims 1, 11 and 22, Vogel discloses a reducible volume container 20 having a supply of an adhesive as stated in column 4, lines 15-26; an inlet of a pump 7, and a spray device 14 as shown in figure 4.

With respect to claim 2, Vogel discloses a spray wand 18 as shown in figure 3.

With respect to claim 4, Vogel discloses a positive displacement pump as stated in column 1, lines 61-62.

With respect to claims 6 and 14, Vogel discloses a reducible volume container 20 is substantially enclosed within a box 1 as shown in figure 5.

With respect to claims 7 and 8, Vogel discloses a reducible volume container 20, a pump 7 and a spray device 14 comprise a substantially closed system as stated in column 4, lines 15-26.

With respect to claims 10 and 12, Vogel discloses the pressure within a reducible volume container 20 is less than or equal to the exterior pressure, therefore a movable weight 22 or 23 is placed on top of the container 20 to maintain the pressure within the container as stated in column 4, lines 22-26.

With respect to claims 13, Vogel discloses a collapsible plastic material as stated in column 4, line 16.

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With respect to claim 15, Vogel discloses a pump 7 is mounted on a mobile base as shown in figure 1.

With respect to claim 16, Vogel discloses a manifold intermediate a reducible volume container 20 and a pump inlet as stated in column 1, lines 62-65.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3, 9, 17, 18, 20 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vogel in view of Aiello et al.

With respect to claim 3, Vogel teaches all the limitations of the claim except for a trigger on a spray wand. Aiello discloses a spray wand 100 with a trigger 102 as shown in figure 1. It would have been obvious to one having ordinary skill in the art to have provided the adhesive application system of Vogel with a trigger on a spray wand as suggested by Aiello, since it would provide a better spray wand.

With respect to claims 9, 17, 18, 20, Vogel teaches all the limitations of the claim except for a second reducible volume container which is selectively connected to an inlet of a pump. Aiello discloses a first container 40, a second container 42, and a spray wand 100 which is

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separately in communication with the first container and a second container as stated in column 1, lines 44-51. It would have been obvious to one having ordinary skill in the art to have provided the adhesive application system of Vogel with a second reducible volume container which is selectively connected to an inlet of a pump as suggested by Aiello, since it would provide a way to dispense a multi-containers system (column 1, lines 7-9).

With respect to claim 24-26, Vogel teaches all the limitations of the claim except for a threaded nozzle. Aiello discloses a male threaded nozzle 219 as shown in figure 8. It would have been obvious to one having ordinary skill in the art to have provided the adhesive application system of Vogel with a threaded nozzle as suggested by Aiello, since it would provide a way to fasten a nozzle to a spray wand. With respect to claim 26, to have male or female threads on a dispensing nozzle is deemed to be an obvious matter of design choice, specially since applicant does not indicate why it is critical to have one or the other.

8. Claims 5, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vogel in view of Thomas.

Vogel teaches all the limitations of the claim except for a low density polypropylene container. Thomas discloses a polypropylene bag 10 as stated in column 4, lines 47-49. It would have been obvious to one having ordinary skill in the art to have provided the adhesive application system of Vogel with a low density polypropylene container as suggested by Thomas, since it would provide a reducible volume container with sufficient structural rigidity (column 1, line 59).

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9. Claims 19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vogel in view of Aiello et al. as applied to claims 3, 9, 17, 18, 20 and 24-26 above, and further in view of Savage.

Vogel in view of Aiello et al teach all the limitations of the claim except for a selective valve. Savage discloses a selective valve I as stated in column 3, lines-65 and shown in figure 3. 1. It would have been obvious to one having ordinary skill in the art to have provided the adhesive application system of Vogel with a selective valve as suggested by Savage, since it would provide a way to dispense a multi-containers system.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to show the art with respect to a dispensing system: Harris, Gilmore, Petty, and Ramachandran.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinh Nguyen whose telephone number is (703) 305-0248.

dqn

August 10, 2000



**Patrick Brinson
Primary Examiner**